

### REMARKS

We acknowledge the Examiner's indication that claims 2-5 would be allowable if rewritten in independent form to include all of the limitations recited in any base and intervening claims. We have amended independent claim 1 to include the features recited in dependent claim 2 (now cancelled) and have amended dependent claim 3 so as not to depend from a cancelled claim. We have also added claims 6-15. With these amendments, claims 1 and 3-15 are pending in the present application.

### Prior Art Rejections

The Examiner rejected independent claim 1 as anticipated by Shinada (U.S. 5,436,875). We submit that the rejection of claim 1 is rendered moot in view of the amendments discussed above. We submit therefore that claim 1 is now in condition for allowance. Furthermore, because claims 3-5 depend from claim 1 these dependent claims are patentable for at least the same reason that claim 1 is patentable.

New independent claim 11 incorporates the recitations of original claim 1 and further recites that "the controller controls the interruption of the data writing to the recording medium when the buffer memory is in a state in which buffer underrun may occur and controls the restarting of the data writing to the recording medium when the buffer memory is in a state in which buffer underrun is no longer likely to occur." This feature is supported at page 18, line 32 to page 19, line 18 of applicants' specification. New dependent claims 12-15 correspond to original claims 2-5. We submit that no new matter has been added to the application by these amendments.

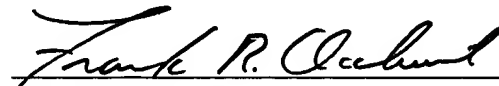
Applicant : Koji Hayashi et al  
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Respectfully submitted,

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Frank R. Occhiuti  
Reg. No. 35,306

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906